

above terminology is defined in terms of entities which are known and described including by reference to RFC 2778 and the description in the specification.

The present invention differs from the prior art by providing roles in presence systems as set forth at the bottom of page 1, lines 31-34, of the specification. Moreover, the "Summary of the Invention" describes the present invention as follows:

A key aspect of the present invention is the capability to subscribe to a user's availability based on a role. As indicated above, this is a feature not available in current presence services. According to a first embodiment of the invention, a User-centered implementation of role availability is effected, whereas a second embodiment is a User-independent implementation. For both embodiments, role-based presence is deployed using a group entity communicating to a presence.

Claims 1 stands rejected under 35 U.S.C. §101 as being drawn to non-statutory subject matter. Specifically, the Examiner states that "[a]pplicant discloses in claim 1 'a presentity user agent and watch user agent are software' in a system claim. Appropriate correction is required. This rejection is traversed for the following reasons.

Claim 1 recites "A system for providing role-based presentity availability information to a watcher...". It is submitted that systems of the type claimed involving entities implemented in software have long been considered statutory subject matter under 35 U.S.C. §101. In this regard, it has been previously decided that a communication system is a statutory subject matter which is considered to be an article of manufacture under 35 U.S.C. §101. See *Ex parte Jonathan Mass*, Appeal No. 95-2552 where the Board held (emphasis added):

"Appellant argues that the communication systems of claims 1 and 15 fall within the class of a "manufacture" under §101. We agree. A manufacture is defined to include: "Every article

devised by man except machinery upon the one side, and compositions of matter and designs on the other.” 1 Chisum, Patents & 1.02[3] (1994), quoting W. Robinson, The Law of Patents for Useful Inventions 270 (1890). The communication systems are comprised of physical man-made articles...The communications system has utility in the technological field of telecommunications and thus is subject matter consistent with the Constitutional purpose to promote the progress of “useful arts,” Article 1, Section 8. Accordingly, the systems of claims 1 and 15 are considered statutory subject matter under §101 within the class of a “manufacture” (emphasis added).

M.P.E.P. §2106.01 governs the determination of whether a claim is statutory subject matter, such as the claimed system. The relevant part of M.P.E.P. §2106.01 is set forth below:

Computer programs are often recited as part of a claim. USPTO personnel should determine whether the computer program is being claimed as part of an otherwise statutory manufacture or machine. In such a case, the claim remains statutory irrespective of the fact that a computer program is included in the claim. The same result occurs when a computer program is used in a computerized process where the computer executes the instructions set forth in the computer program. Only when the claimed invention taken as a whole is directed to a mere program listing, i.e., to only its description or expression, is it descriptive material *per se* and hence nonstatutory (emphasis added).

In essence, the Examiner's conclusion is that the presentity user agent and the watch user agent are software rendering claim 1 nonstatutory which is directly contradicted by the foregoing M.P.E.P. authority. There is no basis in the law why a statutory category of invention, such as the claimed system, which includes elements which are implemented in software, is nonstatutory.

Moreover, claim 1 recites an associative relationship in the body of the claimed system comprised of at least one presentity user agent, at least one watch user agent, a present service and a role manager, which are not claimed in a manner which is limited to software. While it may be true that a presentity user

agent and a watcher user agent are implemented as software as disclosed, this does not determine that the claimed system with the claimed interactions involving roles are nonstatutory subject matter.

Claims 1-8 and 11-12 stand rejected under 35 U.S.C. §102 as being anticipated by United States Patent 6,697,840. As the Examiner is aware, for a claim to be anticipated, every limitation of the claim which is alleged to be anticipated by a reference must be either literally present or inherently present in the reference. When this criteria is applied, claims 1-8 and 11-12 are not anticipated under Godefroid et al.

As set forth above, from the Summary of Invention, "[a] key aspect of the present invention is the capability to subscribe to a user's availability based on a role". As will be set forth in more detail, this fundamental concept is not present in Godefroid et al as specifically recited in the claims.

Godefroid et al disclose a system enabling a user to set presence awareness policies for enhanced security and handling subscriptions to user presence awareness information. See column 1, lines 34-62, of the Summary of Invention of Godefroid et al.

While references are made in Godefroid et al in column 3, line 4, column 6, lines 65-67, and column 7, lines 6-8, to "roles" as discussed below, such references to "roles" do not suggest the interaction between at least one present user agent, at least one watcher user agent, a presence service and a role manager, all of which define detailed interactions between these entities pertaining to roles. Specifically, in column 3, lines 2-4, it is stated "[e]ach user has control over their own data, and the ability to determine what, if anything is available to other individuals, groups, or

even roles." Such reference to roles does not suggest the aforementioned claimed subject matter of claim 1 regarding the interactions pertaining to roles. Furthermore, column 6, lines 65-68, state: "[a]dditionally, the system allows run-time changes to the roles in collaboration, including modifications to the associated presence awareness policies" which also does not suggest the functions of the entities of claim 1 pertaining to roles. Finally, column 7, line 8, refers to "PA Server roles and how they coordinate with each other" which does not disclose the foregoing subject matter.

With respect to claim 1, the Examiner reasons as follows:

As to claim 1, Godefroid teaches a system for providing, role-based presentity availability information to a watcher, comprising:

at least one presentity user agent for issuing a request to register a Presentity in at least one of a plurality of roles, and for generating context messages relating to changes in context of said presentity (column 5, lines 50-62);

at least one watcher user agent for issuing a role-based subscription request for said availability information (column 8, lines 11-18);

a presence service for maintaining role-based watcher subscriptions and issuing availability messages in response to generation of said context messages (figure 1, item 109); and

a role manager for (i) receiving each request to register a Presentity in said at least one of said plurality of roles and in response managing presentity registration in said plurality of roles, and (ii) receiving each said role-based subscription request, and in response managing each role-based watcher subscription to said availability information within said Presence Service (figure 1).

The respective references to column 5, lines 50-62, column 8, lines 11-18, Figure 1, item 109, and Figure 1 are submitted to not disclose the claimed at least one presentity user agent...in context of said presentity; at least one user agent...said

availability information; a presence server...generation of said context messages; and a role manager...within said presence service.

Column 5, lines 50-62, state as follows:

"Users can interact with other users through collaborative communication, including for example, multi-party text chat. Users may initiate a collaborative communication session, invite others to join an existing session, request to participate in an existing session, accept or decline others' requests to join a session, or leave a session. Once a user becomes a participant in a collaborative communication session, he or she can send messages to other users (in a multi-party text chat, for example, these messages will appear on other participants' screen. Customized admission control policies dictate the rules for joining sessions; for example, it may require the session initiator's consent, or a vote of all participants that shows the consent of the majority."

It is submitted that a person of ordinary skill in the art would not consider column 5, lines 50-62, as set forth above, to teach the at least one presentity user agent for issuing a request to register a presentity in at least one of a plurality of roles. What is described in column 5, lines 50-62, is merely admission control policies for joining sessions.

Column 8, lines 11-18, stated~~s~~ as follows:

"The PA Server 109 stores the latest status of a user, and then notifies all participants of any update to anyone's availability status in accordance with the users' policies. When a user, for example 102, wants to check the availability of another user, for example 103, the PA Controller 106 for user 102 passes the request message to the PA Server 109. After querying the database, the PA Server 109 sends an available(user 103) or unavailable(user 103) message to user 102, depending on the actual availability of user 103 and in accordance with the policies of the user 102 and the user 103."

The function of the PA Server 109 is described as storing the status of a user for providing an update of user availability status. However, it is submitted that this disclosure does not disclose "issuing a role-based subscription request as recited in the at least one watcher user agent limitation.

It is noted that the Examiner cites the presence awareness 109 of figure 1 as the presence service. The function of PA Server 109 is disclosed in column 7, lines 5 and 6, as "PA Server 109 controls access to the PA database 105. Furthermore, lines 3-5, of column 7, state that the "PA database 105...stores awareness information such as users' private data, user activities, and awareness preference settings" which does not suggest "maintaining role-based watcher subscriptions" and "issuing availability messages in response to generation of said context messages."

Finally, with respect to the claim 1, it is noted that the Examiner cites figure 1 for teaching the role manager. The description of the entities in figure 1, beginning in column 4, lines 37, et. seq. are submitted to not disclose the subject matter of the role manager.

In summary, the Examiner has parsed claim 1 against various portions of Godefroid et al to suggest anticipation. However, given the heavy burden of demonstrating that each of the limitations of claim 1 must be literally or inherently present in Godefroid et al, the Examiner's rejection of claim 1, as being anticipated, is erroneous. While Godefroid et al do make passing reference to "roles", it is submitted that whatever the intended meaning of the reference to "roles" in the disclosure of Godefroid et al is, it is not suggestive of the subject matter of claim 1.

Claim 2 recites a combination of a database and at least one presence agent. The Examiner relies upon figure 1, entity 105, for teaching the shared database and further, figure 1, PA Server 109, for teaching the at least one presence agency. However, the description of the PA Server 109 in column 7, line 5, as discussed above, is submitted to not meet the claimed at least one present agent. It is

submitted that there is no disclosure in Godefroid et al of the role-based watcher subscriptions.

Claim 3 recites a system in accordance with claim 2 wherein the role manager is a role group manager for affecting user-centered management of roles by registering said presentity with said at least one present agent in at least one of said plurality of roles, and subscribing said watcher within said at least one present agent to said presentity in said at least one said plurality of roles." The Examiner cites column 2, line 66 through column 3, line 8, which is reproduced as follows:

"There are similar issues, of course, in managing access privileges more generally, for example in a file system. While implementations vary considerably, a good solution is conceptually quite simple. Each user has control over their own data, and the ability to determine what, if anything is available to other individuals, groups, or even roles. In a similar way, one could specify the availability of the various types of "presence" data. Presence awareness data in collaborative applications, however, presents several software engineering challenges that evade such solutions."

However, it is submitted that there is no disclosure therein of any role manager or role group manager for "effecting user-centered management of roles", "registering said presentity...in said at least one of said plurality of roles" or "subscribing said watcher...to said presentity in said at least one of said plurality of roles" as recited in claim 3.

With respect to claim 4, the Examiner cites column 2, lines 51-65, of Godefroid et al, which are reproduced below:

"From the users' point of view, there is a fundamental tradeoff between access to presence data for legitimate uses, and concerns about privacy. Precisely to the extent that a user A is able to identify what another user B is doing, user A can communicate with user B when the need arises, make his/her communications more timely and convenient for user B, and generally be a more effective colleague, or more accessible or responsive friend or family member. This is the sort of information, however, that users would generally not like to provide to

strangers, nor perhaps to managers, competitors, or friends and family members. Moreover, the data are largely generated automatically and potentially quite frequently, so users cannot be expected to monitor all presence events in order to ensure appropriate levels of privacy."

It is submitted that there is no disclosure of a role-based subscription request identifying a presentity and includes a role definition therefore a role definition as recited in claim 4.

The Examiner cites column 7, line 62, to column 8, line 8, of Godefroid et al for teaching the subject matter of claims 5 and 11. This passage is reproduced as follows:

"When a user logs on to the Presence Awareness system 100, his or her previous anonymity and access settings are retrieved from the database. All the availability checking and notifications are performed by the database. For example, the four messages login, logout, screensaver(on), and screensaver(off) modify the availability of a participant. These messages are sent from a user interface to its PA Controller 106, 107 or 108, which passes them along to the PA Server 109. Upon receipt of any of these four messages, the PA Server 109 queries the PA Database 105 to determine the availability of the participant in question. In particular, a user is said to be available if and only if the user has not logged out since the last login, and either the screen saver has not gone on since the last time it went off or it has always been off."

It is submitted that there is no teaching of notification policies including a "role switch for presentity control of availability in said at least one of said plurality of roles" as recited in claims 5 and 11.

With respect to claim 6, which recites that the role manager is a role manager service for effecting user-independent management of roles by subscribing said watcher to said at least one of said plurality of roles irrespective of said presentity, the Examiner cites column 2, line 66 to column 3, line 8, of Godefroid et al. In the first place, it is noted that the Examiner is relying upon the same passage as cited in the rejection of claim 3. The Examiner neither explains how a role manager service

for effecting user-independent management of roles in a role group manager of claim 3 may be anticipated by the same passage of Godefroid et al nor how the limitations of claim 6 are taught therein.

The Examiner relies upon column 6, lines 33-44, of Godefroid et al for anticipating claim 7 which recites the role based subscription includes a role definition therefore. That passage is reproduced below:

“To economize, one often defines implicit rules and explicit rules instead. For example, the implicit rule is, when the door of a user say X is open, in general, any other users can send X an invitation to join a collaborative session; and when X's door is closed, in general, nobody can send X the invitation. To explicitly exclude a user say j from sending an invitation to user i even if i's door is open, the following exception rule can be set door <i> (open) – invite <j>

And to explicitly grant j the permission to invite i even if i's door is closed, the exception rule can be set door <i> (closed) – invite <j>”

It is submitted that there is no disclosure therein of role-based subscription including a role definition therefore.

Finally, with respect to claims 8 and 12, the Examiner cites column 7, line 62 through column 8, line 8, of Godefroid et al for anticipating a watcher switch for identifying said watcher and a status line for controlling availability of said presentity in said at least one of said plurality of roles. However, the same passage upon which the Examiner relies for anticipating claims 8 and 12 has previously been relied upon for anticipating claim 6 and further claim 3. The Examiner neither explains how the different limitations of claims 3 and 6 are anticipated by the same portion of Godefroid et al nor how the limitations of claims 8 and 12 are anticipated.

Claims 9 and 13-18 stand rejected under 35 U.S.C. §103 as being unpatentable over Godefroid et al in view of U.S. Patent 6,735,717 (Rostowfske et al). The Examiner is citing Rostowfske et al for teaching a tuple

space. However, Rostowfske et al disclose a distributed telecommunication system including a master server, a back-server and a plurality of computing nodes with a back-up server monitoring the operational status of the master server via a heartbeat process or polling process. If the master server fails operatively, the back-up server assumes the role of the master server and the new master server requests a new back-up server via a tuple space command. One of the available computing nodes assumes the role of a new back-up server. It is submitted that Rostowfske et al do not relate to presentity systems and therefore, a person of ordinary skill in the art would not rely upon Rostowfske et al as teaching a tuple space to modify Godefroid et al to arrive at the subject matter of claims 9 and 13-18 except by a hindsight reconstruction of the Applicants' invention.

Concurrently filed herewith is an Information Disclosure Statement which cites prior art cited in the specification.

In view of the foregoing remarks, it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

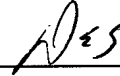
To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the

filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (1375.42979X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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Attachments

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